IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

Crl.Rev.Pet.No. 727 of 2000()

CRA.82/1996 of ADDL. SESSIONS COURT, KOTTAYAM DT.26.6.2000
CC.263/1994 of JUDL. MAGISTRATE OF FIRST CLASS, DT.30.3.1996
CHANGANACHERRY
.....

REVN. PETITIONER: APPELLANT/ ACCUSED

ANANDAN, S/O.DIVAKARAN, NIRAVEL VEEDU
ATHAMPAMKULAMKARA, KOZHITHAZHAM VILLAGE,
KOZHENCHERRY TALUK

BY ADV. SRI.VADAKARA V.V.N.MENON
SRI.T.N.SUKUMARAN

RESPONDENT: RESPONDENT/ STATE

THE STATE OF KERALA, REP.BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 27/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.RP.727/2000

ORDER ON CRL.MP. NO.3960/2000 IN CRL.RP. NO.727/2000

DISMISSED

27.06.2007 **SD/- K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.S. TO JUDG

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K.R. UDAYABHANU, J.

CRL.R.P.NO. 727 OF2000

DATED THIS THE 27th June 2007

ORDER

The revision petitioner is the accused in C.C.No.263/94 in the file of the Judicial First Class Magistrate, Changanacherry with respect to the offences under Sections 279, 337 and 338 of the Indian Penal Code and stands sentenced to undergo simple imprisonment for three months for the offence under Section 279 IPC and to pay a fine of Rs.750/- and in default to undergo simple imprisonment for three months. He also stands sentenced to undergo simple imprisonment for three months for the offence under Sections 338 IPC and to pay a fine of Rs.750/- and in default to undergo simple imprisonment for three months. The prosecution case is that on 22-8-1993 at about 2.300 p.m. the accused drove a KSRTC bus bearing registration No. KL-15/1073 through M.C.Road in a rash and negligent manner so as to endanger human life, hit with a motor bike that resulted in fracture to both legs of CW1/PW1 and head injury to PW2/CW2.

2. The evidence adduced in the matter consisted of the testimony of PWs.1 to 12 and Exts.P1 to P10 and MO.1 series. Pws.1 and 2 are the injured. It has been found concurrently by both the courts below that the incident was occasioned on account of the fact that the bus was proceeding on the wrong side as evident from the scene mahazar and the testimony of witnesses. The bus had no mechanical defect as evident from the testimony of the Motor Vehicle Inspector, i.e.Pw5 and Ext.P4 inspection report of the bus. Further, it is seen that the bus was totally on the wrong side. I find no reason to deviate from the findings of the courts below as to the guilt of the accused. The conviction is confirmed.

3. Counsel for the revision petitioner has pleaded for leniency so far as the sentence is concerned pointing out that more than 14 years have elapsed since the commencement of the proceedings and that the accused has been facing the criminal proceedings so far. I find that in the circumstances the sentence is liable to be modified. Sentence for the offence under Section 338 is modified to imprisonment till the rising of the

court and to pay a compensation of Rs.50,000/- to PW1 and in default to undergo simple imprisonment for six months. No separate sentence is awarded for the offence under Section 279 IPC. The revision petitioner is granted two months time to pay the mount of compensation. The revision petitioner shall appear before the Judicial First Class Magistrate, Changanacherry on 4-9-2007 to receive sentence. The Crl. revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

ks.

K.R.UDAYABHANU, J

CRL.R.P. NO. 727 of 2000

ORDER

27-6-2007